IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5338 OF 2005

Mr.Virendra Kumar Ramlal Verma ..Applicant

Vs.

State of Maharashtra & Anrs. ..Respondents

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Mr.Harshad Bhadbhad i/b Asif Iqbal Patel
Advocate for Applicant
Ms.Kalpana Gautam Complainant in person
Mr.Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : OCTOBER 4, 2005

P.C.

1. Heard the learned advocates for the parties.

2. The applicant-original accused is seeking quashing of C.C.No.412/PW/2005 which is pending before the learned Metropolitan Magistrate, 22nd Court, Andheri Mumbai. The said complaint arose out of C.R.No.133 of 2005 of M.I.D.C. Police Station.

3. On 30.9.2005, the complainant Ms.Kalpana Gautam was present before the Court and she stated that the matter between the parties has already been amicably settled. Affidavit of the complainant to that effect is also filed.

4. The learned counsel for the applicant submits that in view of the settlement, the case ought to be quashed. Reliance is placed on various decisions of the Supreme Court and this Court wherein when the parties have amicably settled the dispute, the proceedings in those cases have been quashed. Reliance is placed on the following decisions:

1) **B.S.Joshi Vs. State of Haryana,**
   AIR 2003 SC 1386;
2) **Fahimuddin Vs. State of U.P.**
   AIR 1981 SC 2008(3);
3) **Judgment of the Division Bench of this Court in Cri.W.P.No.1672 of 2002 dated 20.12.2002 [Alan Douglas Grant Vs. State of Mah.]**
4) **Order dated 27.3.2001 passed by His Lordship Mr.Justice S.S.Parkar in Cri.W.P.No.366 of**

2001.

5. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that complainant does not wish to pursue her complaint, I am of the opinion that this Court can consider the prayer of the applicant and quash the prosecution in the said case. Hence, C.C.No.412/PW/2005 pending before the learned Metropolitan Magistrate, 22nd Court, Andheri Mumbai arising out of C.R.No.133 of 2005 of M.I.D.C.Police Station, are quashed and set aside.

6. Application is disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]